THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 20136 of 1997

DATE: 24-01-2007

Between :

K.Gopalakrishna Reddy and 20 others.

… Petitioners

And

State of A.P.,
Rep., by the District Collector,
East Godavari, Kakinada and 5 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 20136 of 1997

ORDER:

The petitioners, 21 in number, are the occupiers of PWD site, which is part of the left berm of Samalkot canal situated in Anaparthi village. It is pleaded that they have been in occupation of the said land from the year 1972 and having constructed series of shops they have been in possession and enjoyment of the same through out.

This writ petition is filed aggrieved by the action of the respondents in proposing to demolish the structures raised by the petitioners without affording any opportunity to put forth their version.

While directing Rule Nisi, by order, dated 23-08-1997, this Court granted interim orders directing the respondents not to demolish the structures in question. The said order continued to be in force till today.

No counter affidavit has been filed on behalf of the respondents contesting the prayer in the writ petition.

Having regard to the facts and circumstances of the case, the writ petition is disposed of with a direction to the respondents not to demolish the structures raised by the petitioners on the left berm of Samalkot canal in Anaparthy village limits at M.12/5-6 Left Bank without following due process of law. No costs.

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G. ROHINI,J

Dt. 24-01-2007
KLP